

C = capability

SCA = EQB

1

# NOTES ON PUBLIC HEARING TRANSCRIPTS

5/11 1:20 HEARING

Juan Rosario:

- "We feel that the best way to illustrate the capacity of the government of PR and especially the EQB to comply with and enforce this Federal reg is thru what has happened in the past" (p.14, line 16)
- Toa Alta LF: Catches fire spontaneously 4-5x a year
- We are saying that the sys and the public policy in PR related to the management of SW has not permitted in the past and it will not allow under these regs that EQB be able to comply with their responsibility." (p.16, line 5)
- Regional Site Facility Plan:
  - Law requires an environmental impact statement for this, but one has not been done - violation of the law (p.17)
  - There is a law to set a recycling program on the island but the Director of SWMA stated that he will not comply because the law is new (p.17 line 21)
  - Carol Browner pledged that the decision for determination of adequacy would not be one made without considering policy of other EPA Divisions. But here, delegation of the program goes against U.S. Government policy of environmental justice. All facilities being considered are in poor communities (p.18)

E3 Resp = SWMA will be PHs. forum for your input.  
- ETS will be required for all existing and new  
PWRs XOC - 2nd construction is still in progress.  
On the way to the new plant.

At moment, no law requiring ETS for entire, plan B + for ind. Facilities.

EQB will provide info on the law + which sites will require an ETS + when will be done.

Ms. Carmen Josefina Melendez, president, Toa Altenos for health (environmental groups formed in response to proposed expansion of the Toa Alta Landfill)

- EQB is and has been continuously criticized for its slowness, inefficiency and lack of commitment with the protection of the environment, b/c it has not complied with its duties according to the applicable laws and regulations. Their inefficiency and lack of action will result in harm to the env.

- proposed Toa Alta regional landfill is in a calciferous zone. The expansion will border a river. The LF has been contaminating "superficial" (?Surface?) and groundwater. The agency has not forced compliance of regs to sample and study the waters (page 20). Something on env impact statement (see p. 20 line 16)? ~~claims EQB did not require an EIS~~ claims the m.n. wrote an EIS for the facility that is

- on inefficiency of EQB: since Oct 29 "we were conceded public hearings and to this date the Board has not been able to find a place, it doesn't even have an examiner for such." This delay is not due to lack of laws, but to lack of action by officials, who have not complied with laws. (p.21, line3)

Regional LF is proposed by SUMA, not EQB

inefficient + EQB did not address this.

TOA Alta

C?  
PH for Toa Alta

Nr. Luis Pardo, representative, Toa Altos for health

C - Historically, the EQB has <sup>e</sup>ben negligent, have been dragging their feet and are extremely incompetent (p.22, line 10)

\*  
Toa Alta - The site of the Toa Alta landfill is a "calciferous zone full of underground water, these are sink holes." They are breaking law number 161 by placing the regional LF site here (p.22. line 20 ).

Law clearly states can't build there (p.24, line 2)

location Toa Alta - It is the EQB's responsibility to choose a location for the LF, but of all possible places, if any existed, they have chosen the least probable one, the least probable because it is in the calciferous region, on top of the <sup>aquifers</sup> ~~aqueferous~~ of the northern area and on top of the sink hole. (p.23, line 22)

5/11 7:20 HEARING

Mr. Rene Gonzales, Environmental Community in the defense of the Health and the Environment from Factor 2, Sercadillo, Garrochales, and Arecibo against the regional landfill in Arecibo.

- Do not feel the Arecibo LF should become a Regional LF

- The landfill is located in one of the most important aquifers in the northern zone of Puerto Rico, and it is close to bodies of water, all of which it has contaminated. It is close to an airport and is near about 5,000 families (p.9, line 13).

- This landfill was converted into a regional without holding any public hearings (on p.12, public should be consulted and know details of facility and how they will be affected) and without any environmental impact statement (p.9, line 20)

- During a site visit, the EQB determined that the LF was not complying with 23 dispositions of the regulations for handling a sanitary landfill (p.9, line 23).

- Property of neighbors losing value (p.12, line 19)

- "...it is our understanding that the EQB does not protect nor does it enforce the regulations" (p. 10, line 2). Has photo evidence that landfill has not been covered with 6 inches of daily cover, no control for fires. Dead animals dumped. Bio-hazardous waste has been dumped there as witnessed during a SWMA inspection. "and the Community announced publicly and that a given moment they requested from the Arecibo EQB to make valid the regulations. The expressions were that the communities should take the evidence to the office because they did not have time" ??? (p.10, line 13)

- They cannot trust that the the regs that the EQB has will protect the citizens (p.10, line 18)

- EQB Director signed an order to perform on 3/4/94 to Municipality of Arecibo and its Mayor, which indicated that the LF is violating regs (p.10, line 20). Summary of violations provided. The letter provided 30 days for Mayor to submit an extension letter and 30 days to resolve deficiencies and it could submit a compliance plan ??? BUT 46 days have passed and no sanction has been taken (p.11, line 17).

Arecibo Field  
office with  
told them  
to go to  
main office  
The EQB  
inspectors  
had no  
time  
to do it

Arecibo

Arecibo  
PH

Arecibo

Arecibo

Arecibo

(public particip) - They have evidence that when the EQB has been called upon to come look at the deficiency in the LF, the citizens have been ignored (p.11, line 24)

... If EPA delegated authority, it would be an accomplice to the the EQB's irregularities that EQB has been committing and Will committ b/c it will not enforce the regulation (based on all above) (p.13, line 1)

Toa Alta  
San Sebastian  
Aguadilla

Mr. Carlos Alicea 7:20

EPA  
supervision

- How does the EPA guarantee that the EQB will be able to adequately supervise the disposal of the majority of SW in PR? (separable on State run program), citizen suit provisions (by parties deemed to be aggrieved)
- b/c of lack of EQB supervision (p.16, line 6)  
Examples of where EQB had not taken action to correct problems: The Aguadilla landfill... (p.16 line 13)  
San Sebastian LF... (p.16 line 16)  
Toa Alta... (p.17, line 5)
- "How can EQB supervise the landfill operation if they cannot even demand or analyze the potential impacts over the environment by its own regulation" (p.17, L9)

C

EPA Review

+  
C

- there is a determination to delegate without analyzing the work of the EQB and its compliance with its responsibilities and without any institutional changes being proposed to allow the board to implement the regs (p.16, line 20).

C  
(EQB needs resources)

- These agencies must be given the economic and technical resources and the human resources for things to work.

C

- How can the board have moral strength to tell municipalities that LFs are not operated properly when it was less responsible in supervising adequate location (p.17, line 13).

SWMA + EQB  
work together  
(see application  
narrative  
for resp. of  
each agency)

- There is a conflict of interest w/SWMA designing the island disposal plan that EQB is to follow (one govt. agency supervising another). (p.17, line 17)

check Fed Reg  
+ call Allan

- EQB lacks regulations that are necessary to "defend the env and natural resources in PR" (p.17, line 23)  
Rule 7508, p.408 on location lacks the federal requirement that before you start the location of a landfill, you need to prove that there is no viable alternative location. This is obviated from the regs b/c we find humidity in 90% of our land.

p.18

- Something about only 20% of the water that we use to drink comes from aquifers and so the state reg is softer ????

(page 18, line 16)  
you are protecting groundwater which is not being used now, but will be in the future, so the regs are less restrictive in that sense ???????? (p.19, line 1) ~~PR's reg are less restrictive than the Federal EQB~~ <sup>PR's reg are less</sup>

staring  
interpretation

- Re: plan of relocation of the disposal of SW. There is no clear policy to guarantee that the "JAC ? is backing b/c" of the lack of regulations that affect "poor communities in PR"

ES

R = EQB's reg are at least not as  
FED + provide monitoring of all RCLs

who are operating in regional landfills" ??? (page 19, line 8) (i.e. in Arecibo and the La Luna community).

\*

Bottom p.19 through p.20 difficult to decipher (re: Clinton administration).

Mr. Armando Cardona, private citizen

7:20

- It is almost impossible to find a location for a LF on the island that meets the criteria (p. 21, line 22). provides 3 examples of LFs in problem areas

EPA should not delegate the program. The PR regs should be adopted to meet the "Puerto Rican reality."

At the same time, the Fed govt. should modify its regulations. "... this regulation should be a bit different for differnt states depending on their particular situation." (page 24)

Fed Regt

Fernando Parnesa, resident of Toa Alta

7:20

- since 1978, they have been filing with the pertinent agencies on the mishandling of SW in the area. Has photographic evidence. Violations never corrected (p.29, line 13). Currently LF is uncovered and gases are emitted and there are some complaints that it will explode.

Speaks of 22 year old male who has had asthma caused by the gases since age 7.

toa alta